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6 SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

7 THE STATE OF WASHINGTON,)
Plaintiff,)
8 v.) No. 17-C-02989-7 SEA
9 ELIZABETH JOY HOKOANA,)
Defendant.) MOTION, FINDING OF PROBABLE
10 CAUSE AND ORDER DIRECTING
11) ISSUANCE OF SUMMONS OR
WARRANT AND FIXING BAIL

12 The plaintiff, having informed the court that it is filing herein an Information charging
13 the defendant with the crime(s) of **Assault In The First Degree**, now moves the court pursuant
14 to CrR 2.2(a) for a determination of probable cause and an order directing the issuance of a
summons or warrant for the arrest of the defendant, and

15 ☒ fixing the bail of the defendant in the amount of \$50,000.00,
cash or approved surety bond.

16 ☐ directing the issuance of a summons.

17 In connection with this motion, the plaintiff offers the following incorporated materials:
18 The University of Washington Police Department certification or affidavit for determination of
19 probable cause; the University of Washington Police Department suspect identification data; and
the prosecutor's summary in support of order directing issuance of summons or order fixing bail
and/or conditions of release.

20 If the defendant is not in custody, the plaintiff has attempted to ascertain the defendant's
21 current address by searching the District Court Information System database, the driver's license
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MOTION, FINDING OF PROBABLE CAUSE AND
ORDER DIRECTING ISSUANCE OF SUMMONS OR
WARRANT AND FIXING BAIL - 1

Daniel T. Satterberg, Prosecuting Attorney
CRIMINAL DIVISION
W554 King County Courthouse
516 Third Avenue
Seattle, WA 98104-2385
(206) 296-9000 FAX (206) 296-0955

1 and identicard database maintained by the Department of Licenses, and the database maintained
2 by the Department of Corrections listing persons incarcerated and under supervision.

3 DANIEL T. SATTERBERG, Prosecuting Attorney

4 By:

5 

6 Mary H. Barbosa, WSBA #28187
Senior Deputy Prosecuting Attorney

7 FINDING OF PROBABLE CAUSE AND ORDER FOR ARREST WARRANT

8 The court finds that probable cause exists to believe that the above-named defendant
9 committed an offense or offenses charged in the information herein based upon the police agency
certification/affidavit of probable cause incorporated and pursuant to CrR 2.2(a).

10 IT IS ORDERED that the Clerk of this Court issue a summons or warrant of arrest for the
11 above-named defendant; and

12 IT IS FURTHER ORDERED that

13 ☒ the bail of the defendant be fixed in the amount of \$50,000.00,
cash or approved surety bond.

14 ☐ a summons shall be issued; if the defendant is incarcerated on
15 the investigation charge herein the defendant shall be released from
custody.

16 ☐ Additional Conditions: _____
17 _____
18 _____

19 IT IS FURTHER ORDERED that the defendant be advised of the amount of bail fixed by
20 the court and/or conditions of his or her release, and of his or her right to request a bail reduction.
Service of the warrant by telegraph or teletype is authorized.

21 SIGNED this _____ day of April, 2017.

22 _____
JUDGE

23
MOTION, FINDING OF PROBABLE CAUSE AND
ORDER DIRECTING ISSUANCE OF SUMMONS OR
WARRANT AND FIXING BAIL - 2

Daniel T. Satterberg, Prosecuting Attorney
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(206) 296-9000 FAX (206) 296-0955

1 Presented by:

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3 Mary H. Barbosa, WSBA #28187
4 Senior Deputy Prosecuting Attorney

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MOTION, FINDING OF PROBABLE CAUSE AND
ORDER DIRECTING ISSUANCE OF SUMMONS OR
WARRANT AND FIXING BAIL - 3

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6 SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

7 THE STATE OF WASHINGTON,)
8) Plaintiff,)
9 v.) No. 17-C-02990-1 SEA
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MARC K HOKOANA,)
Defendant.)
MOTION, FINDING OF PROBABLE
CAUSE AND ORDER DIRECTING
ISSUANCE OF SUMMONS OR
WARRANT AND FIXING BAIL

12 The plaintiff, having informed the court that it is filing herein an Information charging
13 the defendant with the crime(s) of **Assault In The Third Degree**, now moves the court pursuant
14 to CrR 2.2(a) for a determination of probable cause and an order directing the issuance of a
15 summons or warrant for the arrest of the defendant, and

14 ☒ fixing the bail of the defendant in the amount of \$50,000.00,
15 cash or approved surety bond.

16 ☐ directing the issuance of a summons.

17 In connection with this motion, the plaintiff offers the following incorporated materials:
18 The University of Washington Police Department certification or affidavit for determination of
19 probable cause; the University of Washington Police Department suspect identification data; and
20 the prosecutor's summary in support of order directing issuance of summons or order fixing bail
21 and/or conditions of release.

22 If the defendant is not in custody, the plaintiff has attempted to ascertain the defendant's
23 current address by searching the District Court Information System database, the driver's license

MOTION, FINDING OF PROBABLE CAUSE AND
ORDER DIRECTING ISSUANCE OF SUMMONS OR
WARRANT AND FIXING BAIL - 1

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1 and identicard database maintained by the Department of Licenses, and the database maintained
2 by the Department of Corrections listing persons incarcerated and under supervision.

3 DANIEL T. SATTERBERG, Prosecuting Attorney

4 By:

5 

6 Mary H. Barbosa, WSBA #28187
Senior Deputy Prosecuting Attorney

7 FINDING OF PROBABLE CAUSE AND ORDER FOR ARREST WARRANT

8 The court finds that probable cause exists to believe that the above-named defendant
9 committed an offense or offenses charged in the information herein based upon the police agency
certification/affidavit of probable cause incorporated and pursuant to CrR 2.2(a).

10 IT IS ORDERED that the Clerk of this Court issue a summons or warrant of arrest for the
11 above-named defendant; and

12 IT IS FURTHER ORDERED that

13 ☒ the bail of the defendant be fixed in the amount of \$50,000.00,
cash or approved surety bond.

14 ☐ a summons shall be issued; if the defendant is incarcerated on
15 the investigation charge herein the defendant shall be released from
custody.

16 ☐ Additional Conditions: _____
17 _____
18 _____

19 IT IS FURTHER ORDERED that the defendant be advised of the amount of bail fixed by
20 the court and/or conditions of his or her release, and of his or her right to request a bail reduction.
Service of the warrant by telegraph or teletype is authorized.

21 SIGNED this _____ day of April, 2017.

22 _____
JUDGE

23
MOTION, FINDING OF PROBABLE CAUSE AND
ORDER DIRECTING ISSUANCE OF SUMMONS OR
WARRANT AND FIXING BAIL - 2

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1 Presented by:

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3 Mary H. Barbosa, WSBA #28187
4 Senior Deputy Prosecuting Attorney

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MOTION, FINDING OF PROBABLE CAUSE AND
ORDER DIRECTING ISSUANCE OF SUMMONS OR
WARRANT AND FIXING BAIL - 3

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6 SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

7 THE STATE OF WASHINGTON,)
8) Plaintiff,)
9 v.) No. 17-C-02989-7 SEA
10) 17-C-02990-1 SEA
11 ELIZABETH JOY HOKOANA,)
12))
13 MARC K HOKOANA) INFORMATION
14 AND EACH OF THEM,)
15 Defendant.)
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I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse ELIZABETH JOY HOKOANA, AND MARC K HOKOANA of the following crime[s], which are based on the same conduct or a series of acts connected together or constituting parts of a common scheme or plan: **Assault In The First Degree, Assault In The Third Degree**, committed as follows:

Count 1 Assault In The First Degree

That the defendant ELIZABETH JOY HOKOANA in King County, Washington, on or about January 20, 2017, with intent to inflict great bodily harm, did assault Joshua P Dukes with a firearm and force and means likely to produce great bodily harm or death, to-wit: Shooting Joshua P Dukes in the abdomen;

Contrary to RCW 9A.36.011(1)(a), and against the peace and dignity of the State of Washington.

And further do allege the defendant, ELIZABETH JOY HOKOANA, at said time of being armed with a Glock 9 mm handgun, a firearm as defined in RCW 9.41.010, under the authority of RCW 9.94A.533(3).

Count 2 Assault In The Third Degree

That the defendant MARC K HOKOANA in King County, Washington, on or about January 20, 2017, with criminal negligence did cause bodily harm to Jane Doe, a human being,


INFORMATION - 1

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1 by means of a weapon or other instrument or thing likely to produce bodily harm, to-wit: OC
2 Pepper Spray;

3 Contrary to RCW 9A.36.031(1)(d), and against the peace and dignity of the State of
4 Washington.

5 DANIEL T. SATTERBERG
6 Prosecuting Attorney

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8 By: Mary H. Barbosa, WSBA #28187
9 Senior Deputy Prosecuting Attorney
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1
2 CAUSE NO. 17-C-02989-7 SEA
3 17-C-02990-1 SEA

4 PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR
5 CONDITIONS OF RELEASE

6 The State incorporates by reference the Certification for Determination of Probable
7 Cause prepared by Lieutenant Douglas Schulz of the University of Washington Police
8 Department for case number 2017-00002186.

9 The State requests bail set in the amount of \$50,000.00 for each defendant, pursuant to
10 CrR 2.2 because they are likely to commit a violent offense. The defendants have no criminal
11 history and are employed. However, this shooting was not an impulsive act done in a moment of
12 fear. The evidence presented in the Certification for Determination of Probable Cause
13 demonstrates that the defendants went to the event at the UW campus with the intent to provoke
14 altercations with protesters who they knew would also be at this controversial event. The
15 defendants created a situation designed to allow Elizabeth Hokoana to shoot the victim in the
16 middle of an extremely crowded event under the guise of defending herself or her husband. The
17 degree of planning involved in this crime demonstrates the danger that these defendants present
18 to the community and justifies the State's request for bail.

19 Additionally, the State requests that both defendants be prohibited from having any
20 contact with the victim in this case.

21 Finally, RCW 9.41.040 provides that it is a crime to possess or have in one's control a
22 firearm while on bond or personal recognizance pending trial or sentencing for a serious offense.
23 Elizabeth Hokoana is charged with a serious offense as defined in RCW 9.41.010. The State
24 requests that both defendants be prohibited from possessing firearms as a condition of release.

Prosecuting Attorney Case
Summary and Request for Bail
and/or Conditions of Release - 1

Daniel T. Satterberg, Prosecuting Attorney
CRIMINAL DIVISION
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2 Signed and dated by me this 24th day of April, 2017.
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7 Mary H. Barbosa, WSBA #28187
8 Senior Deputy Prosecuting Attorney
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Prosecuting Attorney Case
Summary and Request for Bail
and/or Conditions of Release - 2

Daniel T. Satterberg, Prosecuting Attorney
CRIMINAL DIVISION
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University of Washington Police Department

CAUSE NO. _____

CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

That D. Schulz is a(n) Lieutenant with the University of Washington Police Department and has reviewed the investigation conducted in University of Washington Police Department Case Number 17-002186.

There is probable cause to believe that HOKOANA, Elizabeth Joy DOB:102087 committed the crime(s) of Assault 1, RCW 9A.36.011.

This belief is predicated on the following facts and circumstances:

The following incident occurred within the City of Seattle, County of King and State of Washington.

On January 20, 2017, the inauguration day for President Trump, Milo Yiannopoulos was scheduled to talk in Kane Hall on the University of Washington campus. Mr. Yiannopoulos was a controversial speaker and protests were anticipated. The talk was scheduled to start at 1930 hours. Prior to the event, a line of individuals attending the event was established in Red Square. Numerous individuals were also present in Red Square to protest the talk. A large number of police officers from the University of Washington Police Department, Seattle Police Department and a King County Sheriff's Deputy were providing security for the event. During the interaction between the attendees and protestors several disturbances and fights occurred that evening separate from this incident.

At approximately 2025 hours' officers were alerted to a shooting victim within the crowd. Bicycle officers from the Seattle Police Department were able to find and circle the victim in the crowd and using a motorized cart they were able to remove the victim from Red Square. The victim was identified as Joshua P. Dukes DOB: 110882. The victim had been shot in the abdomen. When asked by officer about what happened, Mr. Dukes stated that he did not know. He heard an explosion and felt a pain in his stomach. Mr. Dukes was stabilized and transported to Harborview Medical Center. Witness Joseph C. Wankelman stated that he had taken photos of the victim and the possible suspect. The photos showed a disturbance between the victim who was wearing a very identifiable black leather coat with metal studs and the possible suspect who was wearing a yellow hat. A description of the possible suspect based on video was obtained and broadcasted as an Asian male, 50's approximately 5'07", 190 pounds wearing a yellow Champion brand baseball cap, no facial hair, glasses, black leather jacket and a maroon shirt.

At approximately 2337 hours Marc K. HOKOANA DOB: 010588, came to the UWPd and stated to officers something similar to...I am here to report a shooting in self-defense, the gun is in the car. M. HOKOANA was accompanied by a woman who was later identified as Elizabeth J. HOKOANA DOB: 102087. M. HOKOANA was not wearing the leather jacket, maroon hoodie or yellow Champion baseball hat when he came to UWPd but otherwise generally matched the description of the possible suspect. Their vehicle was parked on the south side of the UWPd. M. HOKOANA stated that he may want to speak with a lawyer. M. HOKOANA was Mirandized and advised that he wanted to speak with a lawyer. M. HOKOANA complained of burning eyes from mace and a sore ankle. Seattle Fire was asked to come to the UWPd to evaluate the individual. The vehicle, a green 2002 Chevrolet Malibu 4 DR Washington License ABS3701 was registered to Elizabeth FREELAND aka Elizabeth HOKOANA and was impounded to UWPd. E. HOKOANA was questioned by UWPd Lt. Olson who asked E. HOKOANA if she provided a statement would she be incriminating herself. Elizabeth HOKOANA stated that she would. A check of Washington State DOL records showed that both Marc and Elizabeth HOKOANA had concealed weapons permits.

University of Washington Police Department

On January 21, 2017 Seattle Police Department Homicide/Assault Sergeant G. Nelson and Detective Donna Stangeland were brought in to assist with the case. Sgt. Nelson and Det. Stangeland were briefed on the case. They went to Harborview Medical Center to interview the Mr. Dukes. Dukes was heavily medicated and in and out of consciousness during their brief interaction. Mr. Dukes told Stangeland and Nelson that he believed it was a male that shot him. Mr. Dukes said he thought that it was the male that had lost his hat earlier and had pepper sprayed the crowd. Mr. Dukes was not specifically asked if he had seen the gun used during the shooting. Given Mr. Dukes' critical medical condition, a more thorough statement was not taken at this point.

Mr. Dukes was interviewed again several days later by UWPD. He was in critical but stable condition at the time of the interview. When asked about who shot him, Mr. Dukes said that he remembered grabbing a man who had pepper sprayed the crowd and yelling at him that he had to stop pepper-spraying people. He thought that he was holding the guy at the time that he felt the fire sensation in his abdomen and that he probably just assumed that that person had shot him. He said that he didn't actually see or know who shot him. Mr. Dukes was shot once in abdomen and the bullet traveled up into his chest and lodged into his back. Mr. Dukes suffered considerable internal injuries as a result of the shooting and underwent several surgeries.

A search warrant was obtained for the HOKOANA vehicle. The vehicle was photographed and searched by police. A Glock 26 9mm semi auto pistol (item #14) serial number RTZ435 was found in a black plastic pistol case (item #10) in the trunk of the vehicle. Also present in the gun case was a black folding knife within a plastic Ziploc bag (item #11). Both the pistol and knife were inside of plastic Ziploc bags. The pistol was also inside of a black leather paddle holster (item #13). The pistol had a magazine inside of the magazine chamber and approximately 8 rounds remained in the 10 round magazine. The slide action of the pistol was back and a spent round was seen lodged in the ejection port. A Samsung Galaxy Note 7 cellphone (item #18) was found in the glove box along with several receipts for firearms (item #20) and papers showing dominion and control of the vehicle (item #19). According to Washington State DOL records the Glock pistol was registered to Marc HOKOANA. The plastic Ziploc bag that held the Glock pistol was examined for fingerprints. SPD Latent Fingerprint Examiner Kelly Anderson found ten identifiable prints on the bag all belonging to Elizabeth HOKOANA.

A search warrant was obtained for the Facebook page of Marc HOKOANA. The information obtained from Facebook showed that on January 19, 2017 Marc HOKOANA and [REDACTED] sent messages back and forth thru their Facebook accounts. At approximately 11:31 am Marc HOKOANA sent a message to [REDACTED] stating "I can't wait for tomorrow, I'm going to the Milo event and if the snowflakes get out off hand I'm just going to wade through their ranks and start cracking skulls". [REDACTED] responded "[REDACTED] do it". At approximately 11:36 [REDACTED] asked Marc HOKOANA over Facebook "God you gonna carry?". Marc responded "Nah, I'm going full melee". Marc followed up with the comment "Lily it's" and shortly stated "Is*". [REDACTED] replied by saying "GET EM" and followed up with "just don't end up in jail". It was later learned that Elizabeth HOKOANA goes by "Lily."

In the days following the shooting, numerous witnesses were identified by UWPD and SPD and hours of video footage depicting the shooting and the events before and after the shooting were obtained by police. All civilian witnesses identified in this document have been fully identified by name and date of birth. Initials are be used in this document to protect their privacy. Witness D. T. provided three video clips that he had taken in Red Square the day before that he believed showed the shooter. D.T. reported that he was in Red Square with a friend at the protest when he was approached by an unidentified male who he believed was the shooter. D.T. described the individual as a shorter, thick, middle aged individual with a white face with Asian features wearing a yellow hat. D.T. reported that this individual asked them to stand in front of him so he could use mace against an individual or the crowd. D.T. stated that they refused and a female that was with the unidentified man stood in front of him while he used the mace. D.T. described the female as middle aged wearing all black clothes. D.T. reported that the person who was shot responded to the action of the individual who maced the crowd and a disturbance between the

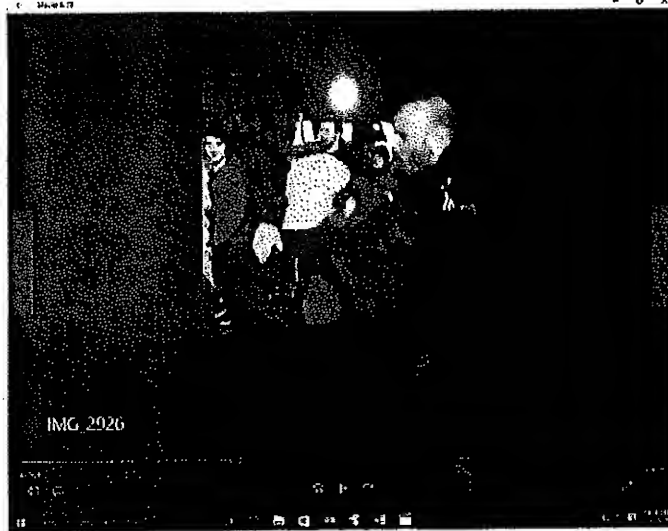
University of Washington Police Department

unidentified man and the victim broke out. Other than the pepper spray, D.T. did not see anybody with any kind of weapon.

I reviewed the three video clips provided by D.T. All three video clips were ten seconds in length. At the start of the video clip titled IMG_2926 provided by D.T. a woman is seen who appears to be suffering from pepper spray. She turns and walks away from Marc HOKOANA.



Marc HOKOANA is then confronted by Mr. Dukes and a scuffle occurs between them.



Police spoke with witness S.F. and he agreed to provide a recorded audio statement. S.F. stated that he was present in Red Square on January 20 during the protest. He observed an unidentified man in a yellow hat use what he thought was a Taser shooting projectiles into the crowd which caused a fight disturbance. S.F. stated that the unidentified man in the yellow hat was holding a black or dark gray rectangle shaped object in his hand. S.F. stated that he later heard from a reporter that it might have been pepper spray instead of Taser projectiles. He stated that he was trying to separate the victim from the

University of Washington Police Department

1 other man and was pulling him (victim) back when he heard what he thought was a firecracker go off. He
2 pulled the man to the ground and left before he realized that the man had been shot. S.F. stated that he had
3 removed the man wearing the leather jacket from the shorter male in the yellow hat and there was no
4 reason for the man to shoot the other individual. S.F. stated that the man in the yellow hat could have
5 turned and ran away rather than shoot the individual and he was not even looking when the shot was fired.

6 An anonymous video clip obtained from the Internet of the shooting was taken to the Seattle
7 Police Department Video Evidence Unit. The video clip was separated out image by image so it could be
8 examined. I was able to see the hands of Marc HOKOANA around the time of the shooting and it
9 appeared that at the time right before and immediately after the shooting he held a scarf or piece of fabric
10 in his left hand and his right hand appeared to be empty. Elizabeth HOKOANA was observed walking
11 towards Mr. Dukes just prior to the shooting. She reached out towards Mr. Dukes with her left hand just
12 prior to the shooting but her right hand cannot be seen at the time of the shooting. She appeared to be
13 within arms-reach of Mr. Dukes at the time of the shooting. No muzzle flash could be observed. After the
14 shooting Elizabeth HOKOANA was observed staring straight at Mr. DUKES as he fell towards the
15 ground and she remained watching him as the individuals immediately around the shooting disperse. Marc
16 HOKOANA turned and walked off at the time of the shooting after several frames of the video Elizabeth
17 HOKOANA is seen turning and walking off.

18 Witness D.N. was contacted and interviewed by police. D.N. was in Red Square filming the
19 crowd using his cell phone on a selfie stick. D.N. stated that an unknown person knocked his cell phone
20 off of his selfie stick as he was recording. The phone fell to the ground and as he went down to pick it up
21 the crowd kept kicking the phone. D.N. reported that within seconds he could smell pepper spray. After
22 he retrieved his phone D.N. observed Mr. Dukes laying on the ground with a wound in his side. D.N.
23 provided a flash drive with the video clips that he had made on January 20, 2017 in Red Square.

24 Police reviewed numerous videos and still photos that had been taken on Red Square on the night
25 of the shooting and either given to police directly or that had been put on the Internet. Several videos
were taken during the protest and captured the response of the crowd when a high school student had been
assaulted. I found a video clip from D.N. that showed Elizabeth HOKOANA with her right hand under
her coat as her husband, Marc HOKOANA, was directly in front of her in the video assisting a person as
he confronted the protestors. The time stamp on the video clip was approximately 1953 hours,
approximately 30 minutes before the shooting of Mr. Dukes.



University of Washington Police Department

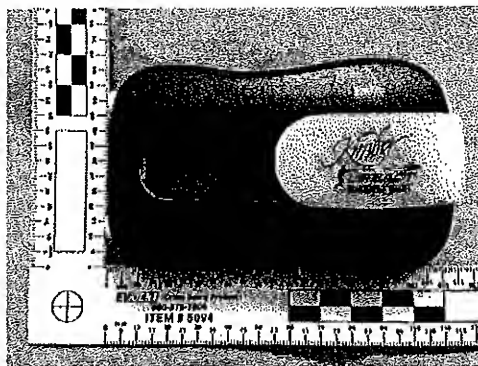
Based on my training and experience her actions appeared to be consistent with a person who was attempting to pull out a concealed pistol from a holster under her coat. The paddle holster that was found in the search of Elizabeth HOKOANA's vehicle is typically worn in the small of the back for comfort.

During review of the video provided by D.N., I found that in video clip titled IMG_0840.mov what appeared to show the conversation when Marc HOKOANA asked witness D.T. to stand in front of him. I made the following still image to document Marc HOKOANA standing next to witness D.T.



On January 27, 2017 Sgt. Bergin, Det. Coffin and I served a search warrant on the residence of Elizabeth and Marc HOKOANA in the Ravenna neighborhood in Seattle, WA. Both Marc and Elizabeth were advised we had a search warrant for the residence and we advised what we were authorized to seize specific clothing that they had worn at the time of the Red Square shooting. Specifically, we were looking for a green/olive colored jacket with a fur hood, a plaid scarf, a black leather jacket and a brown hooded sweatshirt. Both advised that the clothes we were looking for were in a bag of clothes in the laundry area. All of the items sought were recovered during the search. The leather jacket was actually dark brown in color. On top of the clothes in the bag Sgt. Bergin found an object that appeared to be the Taser described by witness Frites. The item was actually a Kimber Lifeact Guardian Angel pepper spray "gun". The digital still photo on the left shows an object in Marc HOKOANA's hand when Mr. Duke's first confronts him in the anonymous video posted on the Internet. The object is the same size shape and color as the OC Pepper Spray "gun" found in the bag with the clothes worn by Marc HOKOANA and Elizabeth HOKOANA on January 20, 2017 during the protest in Red Square.

University of Washington Police Department



From anonymous video

We asked Elizabeth and Marc for consent to seize the item. Both stated that they wanted to ask their lawyer. We took photographs of the item from different angles with and without a scale including the photo on the right above.

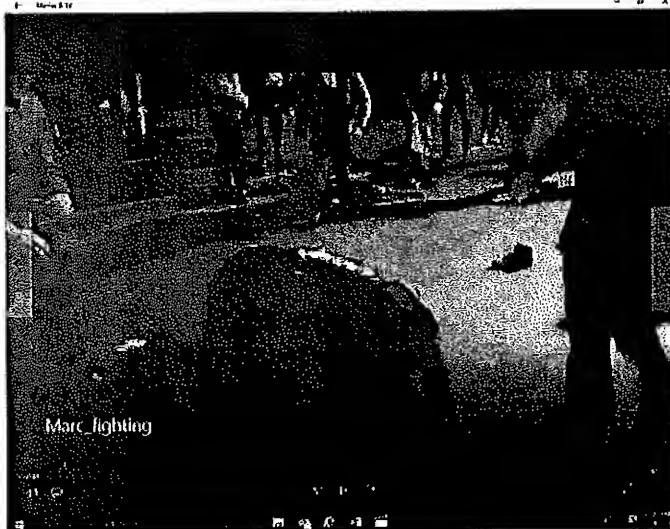
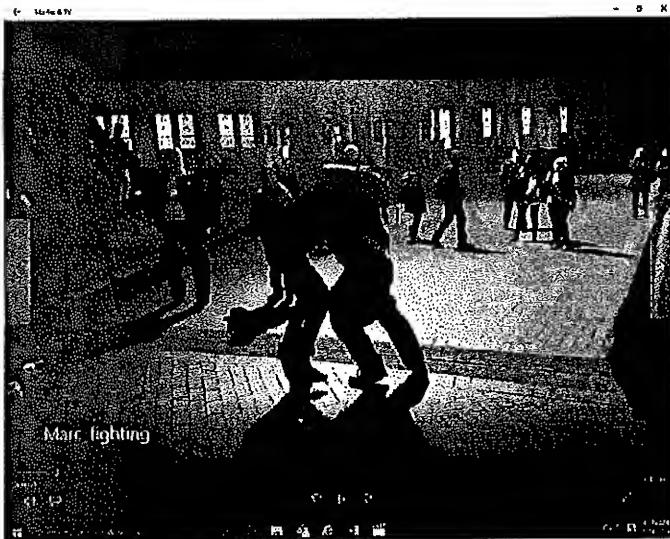
Witness K.P. was interviewed over the telephone. She gave consent for the statement to be audio recorded. K.P. stated that she was at Red Square on January 20, 2017 in order to attend the protest against Milo. She stated that she was at the protest at 6:30 PM and attended with an acquaintance. K.P. stated that after seeing the media coverage she believed that she witnessed the person identified as the shooter mingling among the protestors. She stated that he was aggressive and appeared to be instigating "stuff" and appeared to be intoxicated. She described the individual as an Asian or South Pacific Islander who appeared to be 5' 6" to 5' 8" and in his mid-twenties or early thirties. She remembered that he had on a brown jacket that could have been leather. She described the individual "egging" people on by going up to them and trying to engage with people. She stated that she never saw him assault anyone or get assaulted.

UWPD Sergeant Bergin interviewed witness B.F. B.F. stated that he was at the protest on Red Square on January 20, 2017. He met up with friends at approximately 1745 hours and was watching the protest. B.F. stated that he witnessed several fights that happened. He stated that one of the fights involved the person who he had seen identified in the media as the shooter. He described the individual as an Asian male approximately 5'06" tall, with black hair a chubby build and approximately 26 years old. B.F. stated that he was wearing blue jeans, a leather jacket and a maroon sweatshirt and had a red Make America Great Again hat that got lost in a fight. B.F. stated that he thought that the person was intoxicated. B.F. stated that the individual kept going over to the group of protestors and agitating the group by calling them Snowflakes, Libtards and saying that he (Trump) was their president. B.F. stated that the Asian male kept patting people on the back which caused reactions from people. B.F. stated that he saw the person get into a fight that involved punches being thrown and then ended up on the ground. B.F. stated that the man kept going over and asking for his hat. B.F. stated that he saw pepper spray get used but he was uncertain who was using it. At first he thought it was the police but he then thought it was the Trump supporters. B.F. stated that he was between 10 – 15 feet away when the person got shot. He stated that at the time of the shot he was helping some people that had just been pepper sprayed. B.F. stated that he thought the shot was actually a brick hitting the ground. He then heard people calling for medics. B.F. stated that he had talked to the person who was identified in the media as the shooter earlier in the evening and had told him to go home because he was drunk. B.F. stated that the man seemed to be there only to provoke the crowd.

Witness B.K. came to the UWPD and provided a recorded audio statement and four video clips that he had shot using a Samsung cell phone camera and a camera attached to his motorcycle helmet in Red Square on January 20, 2017. B.K. stated that he observed the buildup of the crowd over the evening. B.K. stated that throughout the night individuals began to get agitated. B.K. stated that he was video

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1 recording protestors that were on the stairs when his attention was drawn by individuals saying to
2 "Hey...Stop that". B.K. stated that he looked to the right and saw two individuals in a fight and that they
3 were holding each other in a head lock. B.K. stated that he then saw the two individuals wrestle to the
4 ground. The two individuals were broken up by bystanders. He thought one of the two individuals may
5 have been the person identified as the shooter based on the jacket and hoodie that he was wearing which
6 was similar to the photos published of the suspected shooter. B.K. stated that he has known Joshua Dukes
7 for approximately six years and they have worked together in the past. B.K. stated that he saw Mr. Dukes
8 that evening and described his interaction as talking with friends and getting in between people who were
9 starting to push and shove each other. B.K. provided the videos that he had made that night. The
10 following still photos were made from the video provided by B.K.



19 I viewed the video and can identify one of the individuals in the fight disturbance as the person identified
20 by Washington DOL as Marc HOKOANA.
21
22
23
24
25

Certification For Determination
of Probable Cause 7

University of Washington Police Department
1117 NE Boat Street
Seattle, Washington 98105
(206) 543-9331

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1 Witness E.K. was interviewed by UWPD Det. Coffin. E.K. stated that he was in Red Square on
2 January 20, 2017 to attend the Milo event with a friend and his friend's girlfriend. As the night went on,
3 he started noticing fights and saw the protestors throw paint balloons. E.K. stated that he witnessed a
4 person in a black leather jacket with a bald head charge through the crowd and grab the man in the yellow
5 hat by the shoulder. He did not see anything happen that provoked the man in the leather jacket. He
6 described the man in the black leather jacket as a "dedicated attacker" who appeared intent on causing
7 serious bodily harm. It appeared to B.K. that the man was trying to pull the man in the yellow hat into the
8 crowd. E.K. tried to pull the man in the yellow hat away but was unable to because the man in the leather
9 jacket had a "death grip" on the man in the yellow hat. E.K. stated that he was preparing to strike the man
10 in the leather jacket but he heard a bang and was able to pull the man with the yellow hat away. E.K.
11 stated that he did not see a gun.

12 Seattle Latent Print Examiner Kelli Anderson processed the Glock pistol (item #14) and the
13 plastic Ziploc bag (item #12) that had contained item #14. No latent prints of comparison value were
14 found on the Glock pistol. Sixteen (16) latent prints of comparison value were found on the plastic
15 Ziploc bag (item #12). Ten of those sixteen prints were matched to the prints of Elizabeth HOKOANA by
16 SPD Latent Print Examiner Kelli Anderson. Six of the lifted latent prints when compared to the prints of
17 E. HOKOANA and M. HOKOANA had incomplete results. I was advised that fully rolled palm prints
18 may assist with a more complete comparison.

19 Washington State Patrol Forensic Scientist Amy Jagmin provided a Crime Laboratory Report on
20 the search for blood on the Glock pistol (item #14) and also a report on the DNA found on the Glock
21 pistol. Ms. Jagmin reported that no blood was found on the pistol. A female DNA profile was present as
22 a major contributor to the DNA profile obtained from under the rear of the slide of the handgun (item #14)
23 and from the grip of the handgun and matches the DNA profile obtained for Elizabeth HOKOANA (item
24 #35). A major female profile was obtained from the magazine and matches the DNA profile of Elizabeth
25 HOKOANA. Trace DNA to which no comparisons can be made were detected on the grip, under the slide
26 and on the magazine. A partial, mixed DNA profile consistent with originating from at least three people
27 was obtained from the swab of the trigger of the pistol. A mixed DNA profile consistent with originating
28 from at least four people was obtained from the slide of the pistol.

29 The videos obtained from witnesses along with anonymously posted Internet video of the events
30 in Red Square on January 20, 2017 were provided to Grant Fredericks of Forensic Video Solutions, Inc.
31 Mr. Fredericks was asked to track the movements and actions of Marc HOKOANA and Elizabeth
32 HOKOANA using the video clips. Mr. Fredericks was asked to create a timeline using the video clips.
33 Mr. Fredericks was also asked to forensically examine the video and clarify the video. After analysis of
34 the video Mr. Fredericks reported that:

Shooting Observations

35 *At the time of the shooting, the Internet Anonymous Posted Video provides the clearest images of the
36 events. These events were recorded at ~20:24:46. The attached 20_24_46_Movement During Shot
37 Fired.pdf provides an image-by-image examination of the events leading to the shooting.*

38 *Slide 2 identifies each of the individuals involved. Dukes is on the left and is tracked throughout with a
39 white arrow. M. Hokoana is tracked with a yellow arrow. E. Hokoana is tracked with a red arrow. M.
40 Hokoana is now wearing a yellow cap, which is located and identified in these slides.*

41 *Slides 4 and 5 show an orange spray traveling right to left from the location where M. Hokoana is
42 standing. Dukes is facing in the direction of M. Hokoana.*

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Slide 35 shows the moment when Dukes begins to move toward M. Hokoana.

Slide 83 shows that Dukes right hand makes contact with M. Hokoana's right arm just above his right hand. M. Hokoana begins to turn away from Dukes.

Slide 89 shows that Dukes' right hand is fully wrapped about M. Hokoana's right wrist area. E. Hokoana is seen moving backward a few steps. A small object is visible in M. Hokoana's right hand.

Slide 113 shows Dukes right hand moving away from M. Hokoana. Nothing is visible in his hand.
Confidential Page 25 4/10/2017

At slides 126 to 149, the video shows that E. Hokoana's right arm has moved to her back area, similar to the images described earlier when her hand was near the rear right area of her back.

Slide 237 shows someone pulling Dukes, turning him backward and to his right.

Slides 247 to 251 show that Dukes' right hand is empty.

At slide 259, E. Hokoana begins to move toward Dukes.

Slides 300 to 345 shows that M. Hokoana is holding fabric in his left hand. The videos confirm that both of M. Hokoana's hands are occupied with objects.

Slides 11, 12 and 13 of the Pepper Spray Comparison analysis of the video provided by D.T. show that the object in M. Hokoana's right hand has small, light features at the end and demonstrates that the known pepper spray weapon is consistent with the object in M. Hokoana's hand.

The shot is fired between image 324 and 325. M. Hokoana is facing away from Dukes at the time of the shot. E. Hokoana is facing directly toward Dukes at the time of the shot.

Slide 325 shows the reaction to the shot being fired. A number of people in the images move downward and away from the area of the shooting. Dukes reacts by moving backward and then falling to the ground. E. Hokoana is facing Dukes. She then backs away from Dukes.

Grant Fredericks provided the video clip titled "Milo Supporter Punched at UW Milo Yiannopoulos Event (RAW UNCUT)1080P-reformat-16842960" to David Hallimore of Recorded Evidence Solutions, LLC. In this video clip from D.N., M. HOKOANA is seen facing off against a number of masked protesters holding an anti-Trump sign. E. HOKOANA is seen walking behind M. HOKOANA. Her right hand is placed under her coat at the rear side of her body. She holds her hand in this position as she approaches and then watches the events with M. HOKOANA. M. HOKOANA then turns back to E. HOKOANA and she removes her hand from the area of her back. M. Hokoana is seen and heard talking to E. HOKOANA. Mr. Hallimore focused on enhancement of the speech in the audio recording, specifically on M. HOKOANA's words. Mr. Hallimore reported that after the audio clarification process he applied to the "Milo Punched Audio.m4a" recording, the words spoken by the male talker, identified by police as M. HOKOANA, 19-seconds into the recording were more intelligible. In Mr. Hallimore's opinion, the M. HOKOANA told E. HOKOANA, "calm down" (at 18 seconds) and

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1 "Don't shoot anyone." M. HOKOANA can then be heard telling E. HOKOANA and others in the crowd,
2 "they have to start this. They have to start it."

3 Under penalty of perjury under the laws of the State of Washington, I certify
4 that the foregoing is true and correct. Signed and dated by me this 19th day
5 of April 2017, at Seattle, Washington.

6 
Signature

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|-------------------------------------|-----------|----------------------------|-------------|------------|------------------|
| AGENCY: University of Washington | WA0172400 | CASE NUMBER 17-00002186 | FILE NUMBER | PCN NUMBER | SUPERFORM |
|-------------------------------------|-----------|----------------------------|-------------|------------|------------------|

| | | |
|---|---|-------------|
| ARREST INFORMATION | | ACCOMPLICES |
| DATE & TIME OF VIOLATION 1/20/2017 8:23 PM | CRIMINAL TRAFFIC CITATION ATTACHED? <input type="checkbox"/> YES <input type="checkbox"/> NO | |
| DATE OF ARREST/TIME 4/11/2017 9:11 AM | ARREST LOCATION | |

| | | | |
|--|---|---|------------------------------------|
| SUSPECT INFORMATION | | DOB 10/20/1987 | ALIAS, NICKNAMES |
| NAME (LAST, FIRST, MIDDLE/IN, JR, 1st, 2nd) HOKOANA, Elizabeth Joy | | | |
| ARMED/DANGEROUS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | IDENTITY IN DOUBT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | CITIZENSHIP US | |
| PHYSICAL DETAILS | | | |
| SEX F | HEIGHT 504 | WEIGHT 145 | SKIN TONE FAR |
| RACE W | EYE BRO | HAIR BRO | SCARS, MARKS, TATTOOS, DEFORMITIES |
| IDENTIFICATION DETAILS | | | |
| CO# | PRIOR BA # 0 | AFIS # | FBI # |
| STATE ID # | | DM/RYL LICENSE # | STATE ISSN |
| RESIDENCE | | EMPLOYMENT / SCHOOL | |
| LAST KNOWN ADDRESS SEATTLE, WA 98115 | | EMPLOYER, SCHOOL (ADDRESS, SHOP/UNION NUMBER) | |
| RESIDENCE PHONE | | BUSINESS PHONE | OCCUPATION |
| EMERGENCY CONTACT | | | |
| PERSON TO BE CONTACTED IN CASE OF EMERGENCY | | RELATIONSHIP | Address PHONE |

| | | | | |
|--|---------------|-------------------------|-------------------------------------|------------|
| CHARGE INFORMATION | | RCW / ORD# 9A.36.011 | COURT / CAUSE # Superior Court / | CITATION # |
| OFFENSE <input type="checkbox"/> DV <input type="checkbox"/> FUGITIVE | F - Assault 1 | | | |
| OFFENSE <input type="checkbox"/> DV <input type="checkbox"/> FUGITIVE | | RCW / ORD# | COURT / CAUSE # | CITATION # |

| | | | |
|---------------------------|----------------|--|--------------|
| WARRANT / OTHER | | AMOUNT OF BAIL | WARRANT TYPE |
| WARRANT DATE | WARRANT NUMBER | OFFENSE | |
| ORIGINATING POLICE AGENCY | ISSUING AGENCY | WARRANT RELEASED TO: (SERIAL # / UNIT / DATE / TIME) | |

| | |
|---|--|
| PROPERTY INFORMATION | |
| LIST VALUABLE ITEMS OR PROPERTY LEFT FOR ARRESTEE AT JAIL | |
| LIST VALUABLE ITEMS OR PROPERTY ENTERED INTO EVIDENCE (SIMPLE DESCRIPTION, IDENTIFYING MARKS, SERIAL #) | |
| LIST ITEMS ENTERED INTO SAFEKEEPING | |
| TOTAL CASH OF ARRESTEE \$0.00 | WAS CASH TAKEN INTO EVIDENCE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO AMOUNT: \$0.00 |
| SIGNATURE OF JAIL STAFF RECEIVING ITEMS / SERIAL # | |

| | | |
|--|---------------------------------|--|
| OFFICER INFORMATION | | SUPERVISOR SIGNATURE / SERIAL # Wilson, Craig |
| ARRESTING OFFICER / SERIAL # Schulz, Douglas 197 | TRANSPORTING OFFICER / SERIAL # | |
| SUPERFORM COMPLETED BY (SIGNATURE/SERIAL #) Schulz, Douglas | | CONTACT PERSON FOR ADDITIONAL INFORMATION (NAME/SERIAL/PHONE) SCHULZ, DOUGLAS U197 2068852555 |

| | | |
|----------------------------|--|------------------------------|
| COURT FILE | | COURT CAUSE (STAMP OR WRITE) |
| SUPERIOR COURT FILING INFO | <input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE <input type="checkbox"/> OUT ON BOND | |
| COURT/DIST. CT, HQ | DIST. CT. BOND \$ | SUP. CT. DATE |

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|------------------------------|--------------------|---|---|--|--|
| EXTRADITE | | SEARCHING LOCAL ONLY WACIO-STATE WIDE <input type="checkbox"/> | NCIC-WILL EXTRADITE FROM ID & OR ONLY <input type="checkbox"/> | NCIC-WILL EXTRADITE FROM OR, ID, MT, WY, CA, NV, UT, CO, AZ, NM, HI, AK <input type="checkbox"/> | NCIC-WILL EXTRADITE FROM FROM ALL 50 STATES <input type="checkbox"/> |
| PERSON APPROVING EXTRADITION | | | | | |
| E N T R Y | CCN WAC NCIC | DOE TOE OP | | DOE TOE OP | |

| | |
|---|--|
| PROBABLE CAUSE INFORMATION | |
| STATEMENT OF PROBABLE CAUSE: NON-VUCSA | |
| CONCISELY SET FORTH FACTS SHOWING PROBABLE CAUSE FOR EACH ELEMENT OF THE OFFENSE AND THAT THE SUSPECT COMMITTED THE OFFENSE. IF NOT PROVIDED, THE SUSPECT WILL BE AUTOMATICALLY RELEASED. INDICATE ANY WEAPONS INVOLVED. (DRUG CRIME CERTIFICATE BELOW.) | |

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|--|-----------|-----------------------------------|-------------|------------|------------------|
| AGENCY: University of Washington | WA0172400 | CASE NUMBER 17-00002186 | FILE NUMBER | PCN NUMBER | SUPERFORM |
|--|-----------|-----------------------------------|-------------|------------|------------------|

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|--|--|
| ARREST INFORMATION | |
| DATE & TIME OF VIOLATION 1/20/2017 8:22 PM | CRIMINAL TRAFFIC CITATION ATTACHED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| DATE OF ARREST/TIME 4/18/2017 8:18 AM | ARREST LOCATION 1 |
| ACCOMPLICES HOKOANA, Elizabeth Joy | |

| | |
|--|--|
| SUSPECT INFORMATION | |
| NAME (LAST, FIRST, MIDDLE/II, SR, 1st, 2nd) HOKOANA, Marc K | DOB 1/5/1988 |
| ALIAS, NICKNAMES | |
| ARMED/DANGEROUS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | IDENTITY IN DOUBT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| CITIZENSHIP US | |
| PHYSICAL DETAILS | |
| SEX M | HEIGHT 507 |
| WEIGHT 205 | SKIN TONE LBR |
| RACE A | EYE BRO |
| HAIR BLK | SCARS, MARKS, TATTOOS, DEFORMITIES |
| IDENTIFICATION DETAILS | |
| CON 0 | PRIOR BA# 0 |
| AFIS# | FBI# |
| STATE ID# | DRIVER'S LICENSE# |
| STATE | BSN |
| RESIDENCE | |
| EMPLOYMENT / SCHOOL | |
| LAST KNOWN ADDRESS SEATTLE, WA 98115 | |
| EMPLOYER, SCHOOL ADDRESS, SINO/UNION NUMBER | |
| RESIDENCE PHONE | BUSINESS PHONE |
| OCCUPATION | |
| EMERGENCY CONTACT | |
| PERSON TO BE CONTACTED IN CASE OF EMERGENCY | RELATIONSHIP |
| Address | |
| PHONE | |

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|---|-------------------------------|
| CHARGE INFORMATION | |
| OFFENSE <input type="checkbox"/> DV <input type="checkbox"/> FUGITIVE F - Assault 3 | RCW / ORS 9A.36.031 |
| COURT / CAUSE # Superior Court / | CITATION # |
| OFFENSE <input type="checkbox"/> DV <input type="checkbox"/> FUGITIVE | RCW / ORS |
| COURT / CAUSE # | CITATION # |

| | |
|--|----------------|
| WARRANT / OTHER | |
| WARRANT DATE | WARRANT NUMBER |
| OFFENSE | AMOUNT OF BAIL |
| WARRANT TYPE | |
| ORIGINATING POLICE AGENCY | ISSUING AGENCY |
| WARRANT RELEASED TO: (SERIAL # / UNIT / DATE / TIME) | |

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|---|--|
| PROPERTY INFORMATION | |
| LIST VALUABLE ITEMS OR PROPERTY LEFT FOR ARRESTEE AT JAIL | |
| LIST VALUABLE ITEMS OR PROPERTY ENTERED INTO EVIDENCE (SAMPLE DESCRIPTION, IDENTIFYING MARKS, SERIAL #) | |
| LIST ITEMS ENTERED INTO SAFEKEEPING | |
| TOTAL CASH OF ARRESTEE \$0.00 | WAS CASH TAKEN INTO EVIDENCE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO AMOUNT: \$0.00 |
| SIGNATURE OF JAIL STAFF RECEIVING ITEMS / SERIAL # | |

| | |
|---|---------------------------------|
| OFFICER INFORMATION | |
| ARRESTING OFFICER / SERIAL # Schulz, Douglas 197 | TRANSPORTING OFFICER / SERIAL # |
| SUPERVISOR SIGNATURE / SERIAL # Wilson, Craig | |
| SUPERFORM COMPLETED BY (SIGNATURE/SERIAL #) Schulz, Douglas | |
| CONTACT PERSON FOR ADDITIONAL INFORMATION (NAME/SERIAL/PHONE) Schulz, Douglas U197 2068852555 | |

| | |
|------------------------------|--|
| COURT FILE | |
| SUPERIOR COURT FILING INFO | <input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE <input type="checkbox"/> OUT ON BOND |
| COURT CAUSE (STAMP OR WRITE) | |
| COURTDIST. CT.NO. | DIST. CT. BOND \$ |
| SUP. CT. DATE | |

| | |
|--|--|
| EXTRADITE | |
| PERSON APPROVING EXTRADITION | SEAKING-LOCAL ONLY WACIC-STATE WIDE <input type="checkbox"/> |
| NOIC-WILL EXTRADITE FROM ID & OR ONLY <input type="checkbox"/> | NOIC-WILL EXTRADITE FROM OR, ID, MT, WY, CA, NV, UT, CO, AZ, NM, HI, AK <input type="checkbox"/> |
| NOIC-WILL EXTRADITE FROM FROM ALL 50 STATES <input type="checkbox"/> | |
| E N T R Y | CCN WAC NOIC |
| DOE TOE OP | |
| O L E A R A N C E | DOC TDC OP |

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|--|--|
| PROBABLE CAUSE INFORMATION | |
| STATEMENT OF PROBABLE CAUSE: NON-VUCSA | |
| CONCISELY SET FORTH FACTS SHOWING PROBABLE CAUSE FOR EACH ELEMENT OF THE OFFENSE AND THAT THE SUSPECT COMMITTED THE OFFENSE. IF NOT PROVIDED, THE SUSPECT WILL BE AUTOMATICALLY RELEASED. INDICATE ANY WEAPONS INVOLVED. (DRUG CRIME CERTIFICATE BELOW.) | |